

**SUPPORTING STATEMENT
INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
OMB CONTROL NO. 0648-0387**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

This request for revision of a current information collection is due to reporting requirement revisions due to a proposed rule titled “Enhanced Document Requirements to Support Use of the Dolphin-safe Label on Tuna Products,” RIN 0648-BC78.

The purpose of this collection of information is to comply with the requirements of the [International Dolphin Conservation Program Act](#) (IDCPA), 16 U.S.C. 1414. The Act allows entry of yellowfin tuna into the United States (U.S.), under specific conditions, from nations in the International Dolphin Conservation Program (IDCP) that would otherwise be under embargo. The Act also allows U.S. fishing vessels to participate in the yellowfin tuna fishery in the eastern tropical Pacific Ocean (ETP) on terms equivalent with the vessels of other nations. The National Oceanic and Atmospheric Administration (NOAA) collects information to allow tracking and verification of dolphin-safe and non-dolphin-safe tuna products from catch through the U.S. market.

This information collection pertains to U.S. tuna purse seine vessel and operator permit holders fishing under the International Dolphin Conservation Program (IDCP) and the tracking and verification program for tuna that is (1) harvested and processed by U.S. companies or (2) offered for sale in the United States. Currently collected information under the IDCP with Paperwork Reduction Act (PRA) approval includes:

- 1) Permits
 - a) vessel permit applications (including vessel photograph), and
 - b) operator permit applications
- 2) waiver requests to transit the ETP without an observer on board,
- 3) vessel departure notification five days prior to departure,
- 4) vessel arrival notification,
- 5) change in operator permit notification,
- 6) modified net notification,
- 7) experimental fishing gear waiver applications,
- 8) Dolphin Mortality Limit requests,
- 9) annual written notification to request a small tuna purse seine vessel be listed as active,
- 10) annual written notification to request a small tuna purse seine vessel be listed as inactive,
- 11) written notification of the intent to transfer a tuna purse seine vessel to foreign registry and flag,
- 12) Domestic tracking and verification program
 - a) tuna tracking form submission,
 - b) monthly tuna receiving reports,

- c) monthly tuna storage removal reports, and
- d) documentary evidence requests.

This proposed revision involves only the monthly tuna receiving report and tuna storage removal report currently applicable to tuna canners in the United States and expands both monthly reporting requirements to tuna processors, other than tuna canners, including those processing frozen, dried, or smoked tuna products, where the tuna product is labeled dolphin-safe. NOAA is unaware of any domestic tuna processor, other than cannery operators, that labels tuna product as dolphin-safe. Therefore, no immediate time or cost burden is expected to incur on tuna processors, other than canners. The proposed rule includes these new requirements for tuna processors, other than tuna canners, should they occur in the future or when NOAA becomes aware of their occurrence.

In addition, there is a change to the tuna receiving report. Currently, U.S. tuna canners must submit on a monthly basis a tuna receiving report requesting: dolphin-safe status, species, condition (round, loin, dressed, gilled and gutted, other), weight in short tons to the fourth decimal, ocean area of capture (ETP, western Pacific, Indian, eastern and western Atlantic, other), catcher vessel, trip dates, carrier name, unloading dates, and location of unloading. The proposed rule associated with this revision request would change, on the monthly tuna receiving report, "dolphin-safe status" to "whether the tuna received is eligible to be labeled dolphin-safe under 50 Code of Federal Regulations (CFR) 216.91"; add harvesting vessel gear type; and require the inclusion of the certifications required under 50 CFR 216.9 (changes described in the proposed rule) when the processor indicates the tuna is eligible to be labeled dolphin-safe under 50 CFR 216.91.

These changes would impact about 19 current respondents. The additional time burden for the new requirements is estimated to add an extra 5 minutes per response and increase the cost of the response by \$0.10 per attached certification (photo copy cost) per vessel trip listed on the monthly tuna receiving report. Thus, with the proposed changes to the information collection, the public reporting burden is estimated to average 65 minutes per response for the monthly tuna receiving report including time for reviewing instructions, searching existing data sources, gathering and maintaining the data, and completing and reviewing the collection of information.

The proposed changes to the information collection are intended to better ensure dolphin-safe labels comply with the requirements of the [Dolphin Protection Consumer Information Act](#) (DPCIA; 16 U.S.C. 1385) and to ensure the United States satisfies its obligation as a member of the World Trade Organization.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The DPCIA requires the Administrator, National Marine Fisheries Service (NMFS), Southwest Region, to establish and conduct a domestic tracking and verification program to effectively track and document the movement of all tuna products in the U.S. market channels from its capture to final sale. The tracking program documents the dolphin-safe or non-dolphin-safe

condition of tuna through catch and processing for use in verifying the dolphin-safe or non-dolphin-safe condition of tuna products entering the U.S. market.

The U.S. canned tuna industry produces nearly \$1 billion worth of canned tuna every year, and canned tuna is the second most popular fish product marketed and consumed in this country. Because of this, the statistics which describe the tuna fishery, its products, and its markets have been of interest to NMFS for some time.

The tracking program includes procedures and reports for use when importing tuna into the U.S. and during domestic fishing, processing, and marketing in the U.S. Verification of tracking system operations is attained through the establishment of audit and document review requirements which include the following information collection components:

- 1) Monthly tuna receiving reports: Canned tuna processors must submit a report to the NMFS Administrator, Southwest Region of all tuna received at their processing facilities in each calendar month whether or not the tuna is actually canned or stored during that month. Monthly tuna receiving reports are already compiled by the cannery to monitor and track tuna received at the facility. These reports may be submitted by fax, email or mail before the last day of the month following the month being reported. The information is used to monitor and track dolphin-safe and non-dolphin-safe tuna processed at the cannery. Monthly reports must contain information for both domestic and imported tuna receipts. In addition, imported tuna receipts must have a Fisheries Certificate of Origin (NOAA Form 370), approved by the Office of Management and Budget under Control Number 0648-0335.
- 2) Monthly tuna storage removal reports: Canned tuna processors must provide on a monthly basis a report of the amounts of ETP-caught tuna that is removed from cold storage to the NMFS Administrator, Southwest Region. These reports may be submitted by fax, email or mail before the last day of the month following the month being reported. The information provided in the reports is already generated by the canneries to internally track tuna throughout the entire canning process. This information is used to monitor and track dolphin-safe tuna and non-dolphin-safe tuna.

There is no standardized form for the submission of the above reports. Respondents usually submit the information in a spreadsheet format.

As previously mentioned, NOAA is unaware of any domestic tuna processor, other than canning operators, that labels tuna product as dolphin-safe. Therefore, no monthly tuna receiving reports or monthly tuna storage reports are expected to be submitted by tuna processors, other than tuna canners.

The information collected will not be disseminated to the public since the individual reports contain no information useful to anyone outside of the Federal Government. The main purpose of the reports are to satisfy the legal mandates of Congress.

In the event summarized information is used to support publicly disseminated information, then, as explained in the preceding paragraphs, the information gathered can be shown to have utility. NMFS will retain control over the information and safeguard it from improper use, modification,

and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The monthly tuna reporting requirements are authorized to be submitted electronically via email, fax or hard copy mail. Respondents are encouraged to provide electronic copies to NMFS via email. Currently, about 50% of the responses are received electronically via email.

4. Describe efforts to identify duplication.

Monthly tuna reporting requirements or similar information is not available through any other known information collection.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Thirteen of the 19 respondents are considered to be small businesses (i.e. less than 500 employees). All 13 small businesses fill a niche in the market of relatively high quality, high valued canned albacore tuna product. The reporting burden to these small businesses is minimized since negative reporting is not required (i.e. no monthly reports are required in months when no tuna is received for canning). The lack of regular monthly tuna receipts is due to the seasonal nature of the albacore tuna fishery. Also, the majority of the small businesses can tuna only part-time and have work in other facets of the seafood industry.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The Secretary of Commerce would not be able to meet the mandates of the applicable laws if the information collection was not conducted. Litigation against the Federal Government would likely ensue.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not Applicable.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A proposed rule (RIN 0648-BC78) will be published coincident with this submission, soliciting public comment.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Information collected under the DPCIA is considered confidential and is treated as such in accordance with NOAA Administrative Order 216-100 as stated in [50 CFR 216 subpart H](#). Information collected is handled in compliance with agency filing and retention policy.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are included in this information collection.

12. Provide an estimate in hours of the burden of the collection of information.

The total number of respondents affected by the proposed information collection revisions is 19 and the total number of annual responses is around 72: three respondents report monthly throughout the year for a total of 36 responses and 13 respondents report seasonally for a total of 36 responses. It is estimated that each tuna receiving report response averages 65 minutes. Therefore, the estimate in hours of the burden of the collection of information is:

$72 \text{ responses} \times 65 \text{ minutes} / 60 \text{ minutes} = 78 \text{ hours (previously 252 responses and hours)}$.

New total responses and hours: 311, reduced from 491 and 176, reduced from 350.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Every response would require a certification required under 50 CFR 216.91 attached to the monthly tuna receiving report for each harvesting vessel trip identified on the report. Approximately 50% of monthly responses are submitted electronically, so for those respondents,

there would be no cost to submit the required information as scanned images attached to an email message. For the remaining responses, each monthly submission of the tuna receiving report would require on average 5 certifications as required under 50 CFR 216.91 to be attached to the report. It is also noted that approximately 12 responses are received via fax. Therefore, the cost of submission via hard copy mailing and via fax might be:

Copying for postal submission:

24 responses x 2 (one original monthly tuna receiving report and one copy) x 5 certifications x \$0.10/copy = \$24/yr

Envelopes for postal submission: 24 x \$0.10/large envelope = \$2.40/yr

Postage for postal submission: 24 x \$0.65 for large envelope rate = \$15.60/yr

Fax submission:

12 responses x \$0.10 cost for original monthly receiving report plus \$0.20 per one minute phone line cost x 12 responses = \$3.60

Total annual cost burden estimate:

\$24 + \$2.40 + \$15.60 + \$3.60 = approximately \$46.

New total recordkeeping/reporting costs: \$3,778, reduced from \$4,465.

14. Provide estimates of annualized cost to the Federal government.

Staff hours to collect, analyze, input, and file 72 collections per year:

72 reports x 55 minutes/report x 1 hour/60 minutes = 66 staff hours/year

20 minutes analysis per collection @ \$19.79/hr (hourly wage average for student intern and contractor)

20 minutes = 0.33 hours x \$19.79 = \$6.53

30 minutes data entry per collection @ \$19.79

20 minutes = 0.50 hours x \$19.79 = \$9.90

5 minute filing per collection @ \$19.79

5 minutes = 0.083 hours x \$19.79 = \$1.64

72 responses/year x (\$6.53 + \$9.90 + \$1.64) = \$1,301

It should be noted that previous supporting statement estimates looked at the cost of the entire information collection components together and did not separate the cost associated with just the monthly tuna receiving report. Total previous cost was \$150,495. **Assuming the unit government cost of a monthly receiving report remained the same, the total government cost has decreased by \$3,254, to \$147,241.**

15. Explain the reasons for any program changes or adjustments.

Program Change: Addition of 5 minutes per response for monthly dealer receiving reports adds a total of 6 hours for the new smaller number of reports.

Adjustments: There was a decrease of two in the total number of processor respondents since the last estimation was made. Also, previous estimations did not take into consideration seasonal

reporting by small canneries. The adjusted annual number of receiving reports is 72 from 252, with a decrease of 180 hours, from 252 to 72.

Costs were \$733, and are now \$46 – cost reduced due to fewer reports, the choice of a lower mailing rate, and increase to about 50% email submission.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Not Applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.